

GARMAN TURNER GORDON LLP
ERIKA PIKE TURNER
Nevada Bar No. 6454
Email: eturner@gtg.legal
MICHAEL R. ESPOSITO
Nevada Bar No. 13482
Email: meposito@gtg.legal
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Tel: (725) 777-3000
Fax: (725) 777-3112

*Attorneys for Defendants Bristol-Myers Squibb
Company, Carrie Stiles, and Cindy Pierce*

BROWNSTEIN HYATT FARBER SCHRECK, LLP
ADAM K. BULT, ESQ.
Nevada Bar No. 9332
MAXIMILIEN D. FETAZ, ESQ.
Nevada Bar No. 12737
MACKENZIE WARREN, ESQ.
Nevada Bar No. 14642
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Phone: (702) 382-2101
Fax: (702) 382-8135

*Attorneys for Defendant
Otsuka America Pharmaceutical, Inc.*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

CHARLES JOHNSON, et al.,

Plaintiffs,

v.

BRISTOL-MYERS SQUIBB COMPANY, et al.,

Defendants.

| | |
|--|------------------------------------|
| <input checked="checked" type="checkbox"/> FILED | <input type="checkbox"/> RECEIVED |
| <input type="checkbox"/> ENTERED | <input type="checkbox"/> SERVED ON |
| COUNSEL/PARTIES OF RECORD | |
| MAY - 7 2018 | |
| CLERK US DISTRICT COURT DISTRICT OF NEVADA | |
| BY: _____ | DEPUTY _____ |

CASE NO. 3:18-cv-00143-MMD-VPC

ORDER

**STIPULATION FOR ORDER TO
VACATE ORDER SETTING CASE
MANAGEMENT CONFERENCE**

Plaintiffs Charles Johnson, Joan Rhoads, Sherrie Maguire, Joseph Rodarte, and Michael McCollum (collectively, "Plaintiffs") and Defendants Bristol-Myers Squibb Company ("BMS"), Otsuka America Pharmaceutical, Inc. ("OAPI"), Carrie Stiles, and Cindy Pierce (collectively, "Defendants") hereby stipulate and agree that, with the approval of this Court, the *Order Setting*

1 *Case Management Conference* should be vacated for the following reasons:

2 **RECITALS**

3 1. This case, which alleges that the prescription drug Abilify® caused Plaintiffs to
4 engage in compulsive behaviors such as pathological gambling, was removed to this Court on
5 the basis of diversity jurisdiction. ECF 1.

6 2. On April 4, 2018, the Judicial Panel on Multidistrict Litigation (the “JPML”)
7 ordered that this case be transferred conditionally to the Abilify® multidistrict litigation (the
8 MDL”) in the Northern District of Florida, where more than 1,000 involving similar claims that
9 Abilify caused pathological gambling are pending. Case MDL No. 2734, ECF No. 139.

10 3. Plaintiffs have filed a motion to remand this case, ECF No. 8, and have opposed
11 the motion to vacate, Case MDL No. 2734, ECF No. 148.

12 4. Defendants have moved to stay all proceedings in this case, including decision on
13 the remand motion, pending the JPML’s decision on the transfer of this case to the MDL. ECF
14 No. 23. Briefing on the Motion to Stay is under way.

15 5. On April 23, 2018, this Court entered an *Order Setting Case Management*
16 *Conference* pursuant to Fed. R. Civ. P. 16 and Local Rule (“LR”) 16-2 (the “Case Management
17 Order”), setting a case management conference for Thursday, May 17, 2018 and ordering the
18 filing of a joint case management report not less than seven (7) court dates before the case
19 management conference.

20 6. Depending on how the Court rules on the pending options, this case will be either
21 transferred to the MDL or remanded to state court. As such, there is no benefit to proceeding
22 with the case management conference and its corresponding deadlines. Vacating the Case
23 Management Order is thus warranted.

24 7. Accordingly, the parties stipulate and agree that vacating the Case Management
25 Order until a decision is entered on the Motion to Vacate or the Motion to Remand serves the
26 best interests of judicial economy, minimizes litigation expense, and otherwise preserves the
27 resources of the parties.

28 ///

STIPULATION

8. Accordingly, subject to this Court's authorization and approval, the parties stipulate and agree as follows:

- a. The Case Management Order and all related meet and confer and reporting obligations thereto are hereby vacated.
- b. The case management conference set for May 17, 2018 at 10:00 AM in Reno Courtroom 1 before Magistrate Judge Valerie P. Cook is hereby vacated.

DATED this 4th day of May, 2018

DATED this 4th day of May, 2018

GARMAN TURNER GORDON LLP

WETHERALL GROUP, LTD.

/s/ Michael R. Esposito

/s/ Peter C. Wetherall

ERIKA PIKE TURNER

PETER C. WETHERALL

Nevada Bar No. 6454

Nevada Bar No.: 4414

MICHAEL R. ESPOSITO

9345 W. Sunset Rd., Ste. 100

Nevada Bar No. 13482

Las Vegas, NV 89148

650 White Drive, Suite 100

Las Vegas, Nevada 89119

Attorneys for Defendants Bristol-Myers Squibb Company, Carrie Stiles, and Cindy Pierce

NATHAN R. MORRIS

Nevada Bar No.: 11847

GARRY B. TRINH

Nevada Bar No.: 14289

BIGHORN LAW, LLC

716 S. Jones Blvd.

Las Vegas, Nevada 89107

DATED this 4th day of May, 2018

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

/s/ Maximilien D. Fetaz

ADAM K. BULT

Nevada Bar No. 9332

MAXIMILIEN D. FETAZ

Nevada Bar No. 12737

MACKENZIE WARREN

Nevada Bar No. 14642

100 North City Parkway, Suite 1600

Las Vegas, NV 89106-4614

*Attorneys for Defendant Otsuka America
Pharmaceutical, Inc.*

IT IS SO ORDERED


U.S. MAGISTRATE JUDGE

DATED: May 7, 2018

IT IS SO ORDERED.

United States Magistrate Judge

DATED: _____, 2018

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned, an employee of Garman Turner Gordon LLP, hereby certifies that on the 4th day of May, 2018, she caused a copy of the foregoing **STIPULATION FOR ORDER TO VACATE ORDER SETTING CASE MANAGEMENT CONFERENCE**, to be served electronically to all parties of interest through the Court's CM/ECF system as follows:

PETER C. WETHERALL
Nevada Bar No.: 4414
WETHERALL GROUP, LTD.
9345 W. Sunset Rd., Ste. 100
Las Vegas, NV 89148
Email: pwetherall@wetherallgroup.com

NATHAN R. MORRIS
Nevada Bar No.: 11847
GARRY B. TRINH
Nevada Bar No.: 14289
BIGHORN LAW, LLC
716 S. Jones Blvd.
Las Vegas, Nevada 89107
Email: Nathan@bighornlaw.com;
garry@bighornlaw.com

ADAM K. BULT
MAXIMILIEN D. FETAZ
MACKENZIE WARREN
BROWNSTEIN HYATT FARBER SCHRECK, LLP
Nevada Bar No. 14642
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Email: abult@bhfs.com; mfetaz@bhfs.com;
wcosby@bhfs.com;

/s/ Anna Diallo

An employee of
GARMAN TURNER GORDON LLP